



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

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DA 12-44

January 12, 2012

## MEDIA BUREAU ACTION

### COMMISSION SEEKS COMMENT ON PETITION FOR RULEMAKING SEEKING ELIMINATION OF THE SPORTS BLACKOUT RULE

MB Docket No. 12-3

**Responses due: February 13, 2012**

**Replies due: February 28, 2012**

A group of petitioners<sup>1</sup> have filed a Petition for Rulemaking asking the Commission to eliminate the Commission's rules regarding sports blackouts, which prohibit MVPDs from carrying a sporting event if the event is blacked out on local broadcast television stations.<sup>2</sup> The petitioners claim that the Commission should eliminate the sports blackout rules because the rules prevent consumers' access to local sports events, particularly with ticket prices and unemployment at their current high levels.<sup>3</sup> The petitioners also argue that sports leagues could privately negotiate the same results that the rule affords, and therefore the Commission's rules, which tacitly endorse these private contracts, are unnecessary.<sup>4</sup> Finally, the Petitioners assert that the Commission has the authority to make this rule change.<sup>5</sup> With this Public Notice, we seek comment on this petition and announce the pleading cycle during which comments and replies may be filed.

This proceeding will be treated as "permit but disclose" for purposes of the Commission's *ex parte* rules. See generally 47 C.F.R. §§ 1.1200-1.1216. As a result of the permit-but-disclose status of this proceeding, *ex parte* presentations will be governed by the procedures set forth in Section 1.1206 of the Commission's rules applicable to non-restricted proceedings.<sup>6</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period

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<sup>1</sup> The petitioners are the Sports Fan Coalition, Inc., Public Knowledge, Media Access Project, National Consumers League, and League of Fans.

<sup>2</sup> See 47 C.F.R. §§ 76.111, 76.120, 76.127-130.

<sup>3</sup> Petition at 6.

<sup>4</sup> Petition at 8-13.

<sup>5</sup> Petition at 13-17.

<sup>6</sup> 47 C.F.R. § 1.1206.

applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). Written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Parties may file responses to the Petition on or before **February 13, 2012** and replies on or before **February 28, 2012**. Please place the case identifier, **MB Docket No. 12-3**, on all filings. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.
- Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
  - All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
  - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
  - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12<sup>th</sup> Street, SW, Washington DC 20554.
- People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Copies of the Petition and any subsequently filed documents in this matter are also available for inspection in the Commission's Reference Information Center:

445 12<sup>th</sup> Street, S.W., CY-Level  
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(202) 418-0270

For further information, contact Brendan Murray of the Media Bureau, (202) 418-1573. Press inquiries should be directed to Janice Wise (202) 418-8165.

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